

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

U.S. BANKRUPTCY COURT  
FILED  
TRENTON, NJ

12 FEB 28 PM 2:24

JAMES J. WALDRON

IN RE: Brent E. Smith Jr  
Debtor.

Case No. BY: 145129  
DEPUTY CLERK

Brent E. Smith Jr  
108 Pacific Blvd  
Cliffwood Beach, NJ 07735

Plaintiff.

Vs.

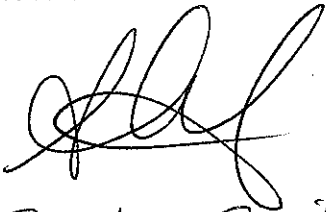
Sallie Mae  
Department of Education Loan Services  
PO Box 9635  
Wilkes Barre, Pa 18773-9635

Defendant.

NAME OF PLEADING

I am seeking an Adversary Proceeding to determine the discharge of my student loan, which I have been paying on for the past 20 years. The Institution that I had attended, did not offer the Bachelor degree here in the state of New Jersey, therefore I had to transfer to one of their locations in another state to complete my education. At the time that I did transfer, the Institution went through a core curriculum change, and this change put me a full trimester behind where I should have been. When I ran into problems with the curriculum, I sought out the help of the instructors, to no avail. I was told this information I should have already been taught, and was refused to help that I sought. I became very discouraged and eventually dropped out of the school, and joined the workforce. I began to pay on my loan, and manage with the bills. I never used the education that I received, and at this point nor will I ever. I was in school for Computer Information Systems. Over the course of time, and several life changes (ie getting married, having 3 children) I have managed to keep our heads afloat. It is now 20 years since I took on paying this note, that originated at \$17000, we have over the past 20 years paid \$14000 on this note, and currently still owe \$22000. We have one child attending trade school now, and another that will be seeking to further her education in about another year and a half. We fear, that if we continue to burden ourselves with this debt, we will have to tell our second child that she will not be able to further her education, because we will not be able to afford to send her. We are barely scraping up enough funds to currently send our son through the trade school he is currently attending. We feel that after paying on this note for the past 20 years, and the current amount that is owed, is still higher then the original principle amount, we are making absolutely no progress to getting this debt paid off. We have sought help from the creditor several times, and they did

help by lowering the payments, for fixed periods of time. But while the payments were lowered, they still added interest to the principle, compounded on a daily basis. After the fixed periods of time were through, the payment amount shot back higher then it was when we sought their help, and we were told this was because of the interest that was being compounded daily to the existing principle amount. So in reality, by helping us by lowering the payments, they added more to the loan, and made it even tougher for us to maintain this payment. We are currently filing a chapter 7 Bankruptcy, and would like this loan included in the same, and allow us to start over with a clean slate.



Brent E. Smith Jr

B104 (FORM 104) (08/07)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only) TRENTON, NJ <b>12 FEB 28 PM 2:23</b>	
<b>PLAINTIFFS</b> Brent E. Smith, Jr.		<b>DEFENDANTS</b> Sallie Mae JAMES J. WALDRON BY: <i>[Signature]</i> DEPUTY CLERK	
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b>		<b>ATTORNEYS (If Known)</b>	
<b>PARTY (Check One Box Only)</b> <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b> I am seeking to discharge, in my Chapter 7 Bankruptcy, my twenty year old student loan.			
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
<b>FRBP 7001(1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001(3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4) – Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		<b>FRBP 7001(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other  <b>FRBP 7001(7) – Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other  <b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest  <b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment  <b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case – 15.U.S.C. §§78aaa et seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$	
Other Relief Sought			